

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
IN RE VEECO INSTRUMENTS INC.  
SECURITIES LITIGATION

:  
:  
: No. 7:05-MD-01695-CM-GAY  
:  
:  
----- X

THIS DOCUMENT RELATES TO:  
ALL ACTIONS  
:  
:  
:  
:  
----- X

**DECLARATION OF LINDA CHAN**

LINDA CHAN declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am over the age of eighteen and have personal knowledge of the facts stated in this Declaration. I am not a party to this lawsuit.
2. I am employed by Veeco Instruments Inc. ("Veeco") as the company's Information Technology Director of Worldwide Infrastructure.
3. Veeco has numerous offices in the United States and abroad, all of which maintain their electronic data on different servers.
4. Veeco put in a litigation hold in connection with this litigation to ensure, among other things, that relevant electronic documents on computer hard drives, Veeco servers and backup tapes were not destroyed or transferred to a less accessible format. That litigation hold remains in place.
5. Prior to the litigation hold, Veeco's practice was to maintain monthly backup tapes.

6. With respect to the Woodbury office, these monthly backup tapes contain, among other things, all data files on the email server and other Veeco servers used to support the Woodbury office.

7. Veeco has at least 45 backup tapes for the Woodbury office relating to the period from July 1, 2003 through April 1, 2005. These backup tapes contain between 7 and 14 terabytes of electronic data.

8. I understand that Lead Plaintiff in this action wants Veeco to restore backup tapes relating to the following current or former Veeco employees, all of whom worked in Veeco's Woodbury office during the relevant time period: Edward H. Braun, John F. Rein, Jr., John Kiernan, Gary Reifert, Lawrence Karp, Frances Scally and Scott Glassman.

9. The data on Veeco's backup tapes is not designed for the retrieval of individual files or documents. Much of the data on the tapes is compressed, which increases the time and cost associated with restoration. In addition, the data on the tapes is designed to be accessed sequentially, which means the information at the beginning of a tape has to be restored in order to access information at the middle or the end of the tape.

10. Given the format of Veeco's backup tapes, it would be necessary to restore significant portions of the information on these backup tapes in order to ensure the retrieval of all data files concerning these persons.

11. Veeco currently does not have the hardware or software required to restore these backup tapes.

Executed on March 5, 2007.



3/5/07

Linda Chan